

ITW

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/780,297
Filing Date	February 17, 2004
First Named Inventor	Apollon Papadimitriou
Art Unit	1656
Examiner Name	Kam, Chih Min
Attorney Docket Number	20619 US1

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

-Letter;
-Attachments: Sandoz Opposition,
WO 03/020299, and US 2003/0104996

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Patricia S. Rocha-Tramaloni
Signature	
Date	1/5/2006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Patricia S. Rocha-Tramaloni		
Signature		Date	1/5/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventor: Apollon Papadimitriou

Group: 1656

Serial No. 10/780,297, filed February 17, 2004
(Ref. No. 20619 US1)

Examiner: Kam, Chih Min

For: **ERYTHROPOIETIN COMPOSITION**

LETTER

Nutley, New Jersey 07110
January 5, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that this Communication be placed in the file of the above-captioned case. This letter and attachments are being submitted to the file of the above-captioned application strictly for purposes of full disclosure to the public.


The following documents recently came to the undersigned's attention:

WO 03/020299, which appears to be a CIP of and claim priority from US Serial No. 09/945,517 (published as US 2003/0104996 A1, now abandoned). Neither of these documents are prior art references against the instant application and it is thus submitted that they can not affect the patentability of the instantly allowed claims. A copy of both documents is herein enclosed.

Serial No. 10/780,297
Filed: February 17, 2004

Applicant also brings to the attention of the public a recently filed Opposition by Sandoz in Europe against European Patent EP 1 311 285 which corresponds to the instant application. A copy of the Sandoz Opposition is also herein enclosed.

Respectfully submitted,



Attorney for Applicant(s)
Patricia S. Rocha-Tramaloni
(Reg. No. 31,054)
340 Kingsland Street
Nutley, New Jersey 07110
Telephone: (973) 235-2441
Telefax: (973) 235-2363

Attachments

217095